

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SCOTT KNIGHT,

Plaintiff,

vs.

Case No.: 2:19-cv-4166

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Vascura

ANTHONY KITCHEN, et al.,

Defendants.

ORDER

On May 5, 2020, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's claims against Defendants Anthony Kitchen John Doe and Jane Doe be dismissed without prejudice for failure to effect service as required by Federal Rule of Civil Procedure 4(m). (ECF No. 38). The parties were advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. Plaintiff filed an objection with respect to Defendant Anthony Kitchen and the Magistrate Judge issued an Order extending the time to effect service and the docket now reflects that Kitchen was served on May 12, 2020. (ECF Nos. 42 and 47). The Magistrate Judge also amended the May 5, 2020 *Report and Recommendation* to recommend that the action be dismissed without prejudice against John and Jane Doe pursuant to Rule 4(m). Plaintiff does not object to the dismissal of Defendants John and Jane Doe.

Accordingly, the amended *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. This case is hereby dismissed against Defendants John and Jane Doe without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failure to effect service.

The Clerk shall remove ECF No. 38 from the Court's pending motions list.

IT IS SO ORDERED.

s/Edmund A. Sargus, Jr. 6/8/2020
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE